

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

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THE VIDEOTAPED DEPOSITION OF
ROGER OLSEN, PhD, produced as a witness on behalf
of the Defendants in the above styled and numbered
cause, taken on the 2nd day of February, 2008, in
the City of Tulsa, County of Tulsa, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

A P P E A R A N C E S

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-and-
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(Via phone)

1 On the solid sides, we -- there's a couple
2 other components. We did both sediments in the
3 river and sediments in Tenkiller. So there's water
4 compartments and then there's sediments compartment.
5 I think I described each of the components in how
6 the waste from the house ends up on the field, runs
7 off, goes into groundwater, eventually into
8 Tenkiller.

09:28AM

9 Q Okay. Thank you for the explanation. Now,
10 let me go back to the affidavit and see if I
11 understand what you meant by this language, okay,
12 and if I don't, tell me. When you were talking in
13 your affidavit about showing a direct path from the
14 place of poultry waste disposal to locations in the
15 IRW where contamination is found, you were referring
16 to the various compartments that you had studied and
17 the fact that the chemical signature that you've
18 identified is found in each of those compartments;
19 is that right?

09:28AM

09:28AM

20 A That's correct.

09:28AM

21 Q Okay. So you were not, sir, claiming to have
22 identified a particular land application site and
23 then traced geographically edge of field runoff from
24 that site to a specific place of contamination;
25 correct?

09:29AM

1 **A** No, I was not asked to do that. We tracked
2 the chicken waste, chemical components and signature
3 throughout the basin.

4 **Q** Okay. So the exercise that I was proposing
5 with Exhibit No. 2, the map, you would not be in a
6 position, would you, sir, today, to put an X where
7 poultry litter has been applied and then draw a line
8 that shows me how that litter application
9 contributed to contamination in a particular place?

09:29AM

10 MR. PAGE: Object to the form.

09:29AM

11 **Q** Could you do that?

12 **A** I know -- again, like I say, the waste
13 compartments, where the waste has been applied, we
14 don't know where all the waste has been applied but
15 it's pervasive, applied across the basin. Dr.

09:29AM

16 Fisher knows that for sure. I know there's more in
17 Arkansas than Oklahoma. So I would create a big box
18 here for soil applications. I know that, you know,
19 80 percent of the river shows the signature. So I
20 could draw circles around 80 percent of the river

09:30AM

21 system, and that's what I would do. I know that the
22 lake, you know, 90 percent of those samples show the
23 waste signature, so I'd draw a whole circle around
24 that, and then I would link up all those
25 compartments. I'd take, you know, where I've drawn

09:30AM

1 the circle from the waste into the river and I'd
2 draw an arrow down, you know, all the rivers and
3 into the lake. So I could do that, but I don't
4 think it's going to tell you what you want.

5 Q Well, I don't think it is, and let's just make 09:30AM
6 sure our Record is clear, sir. You cannot identify
7 for me a particular location where poultry litter
8 has been applied and then link that through a direct
9 pathway to a particular location where contamination
10 exists; correct? 09:30AM

11 MR. PAGE: Object to the form.

12 A I think we've already discussed that, and I
13 already said that if given enough time, I could
14 trace contamination from a field downgradient and
15 then it ultimately would mix with other poultry 09:30AM
16 contamination and ultimately gets to the reservoir.

17 Q Okay, but that's not what you have done to
18 date; correct?

19 A No, I've not done that to date.

20 Q And that's not what you meant by the language 09:31AM
21 of a direct path in Paragraph 4 of your affidavit;
22 correct?

23 A No. It stands like I explained already.

24 Q You did not mean that you had done that field
25 level analysis to trace a particular field to a 09:31AM

1 particular location of contamination and a pathway
2 in between?

3 MR. PAGE: Object to the form.

4 A Again, I think my analysis has done that. You
5 know, if you pick one particular spot, I could go to 09:31AM
6 all the chemical analysis and I could do that and
7 show you, you know, the first station downgradient
8 of that, and I could look for that. I could go to
9 the next station downgradient and look for the
10 signature and see if there's any waste. So I could 09:31AM
11 do that type of analysis, but ultimately the
12 signature, for instance, in the lake is the
13 compositive signature of runoff from many fields.

14 Q Okay. You haven't done it to date; is that
15 correct? 09:32AM

16 A I have not been asked to do that to date.

17 Q Okay. Can I have my blue pen back since we
18 didn't use it?

19 A Oh, sorry.

20 Q Thank you. We'll try to collect all your 09:32AM
21 exhibits right there. Sir, how would you describe
22 your role and the services that you were asked to
23 perform by the attorneys in this case, and let me
24 back up. There are a lot of experts on the attorney
25 general's side of this lawsuit, and you're one of 09:32AM

1 says they leach different. So I would expect to see
2 it more often. If it was prevalent, I would see
3 that signature. I can tease it out if I look hard,
4 but it is not a prevalent signature in my opinion,
5 therefore, not a prevalent source in this basin.

12:13PM

6 Q Have you seen the literature -- you referred
7 to literature -- that suggests and documents that
8 cattle frequently defecate directly in the stream?

9 A I don't know -- not aware of that literature.

10 I know it's -- they can get in the streams because

12:13PM

11 I've seen evidence of them in the stream, you know,

12 in some of the pastures. Go in the stream; some of

13 them, they can't get in the streams, but there's

14 some that I've seen that at least evidence at a few

15 locations where they could get into streams.

12:13PM

16 Q Sir, you're a geochemist; correct?

17 A That's correct.

18 Q You have a degree in mineral engineering
19 chemistry and a PhD in geochemistry?

20 A That's correct.

12:14PM

21 Q What is geochemistry?

22 A Geochemistry is the combination of geology and
23 chemistry applied to, in my case, the environment.

24 Q Do you have any training or experience as a
25 biologist or a microbiologist?

12:14PM